Group III: Claims 25, 35, drawn to an isolated polypeptide comprising the amino acid sequence set forth in SEQ ID NO:31 and a pharmaceutical composition comprising said polypeptide;

Group IV: Claims 26-29, drawn to an antibody that selectively binds to a polypeptide and a method of detecting a polypeptide by using said antibody;

Group V: Claims 32-33, drawn to a method of treatment by administering to a subject a nucleic acid molecule, comprising a specific nucleotide sequence;

Group VI: Claim 34, drawn to a method of treatment by administering to a subject the polypeptide of SEQ ID NO:31; and

Group VII: Claims 36-39, drawn to a method of identifying agonists or antagonists, for the polypeptide comprising SEQ ID NO:31, said method comprising the use of a host cell transfected with a nucleic encoding the polypeptide of SEQ ID NO:31.

Applicants elect to prosecute Group I, claims 1-7, 17-24, 30, 31, 35, and 40, with traverse. Applicants submit that the subject matter of at least Groups I, II, and IV is sufficiently related that a thorough search of the subject matter of any one Group of claims would encompass a search for the subject matter of the remaining claims. Thus, a search and examination of the non-elected claims of Groups II and IV with the claims of Group I would not place a serious additional burden on the Examiner. MPEP § 803 states that "if the search and examination of the entire application can be made without serious burden, the examiner must examine it on the merits" (emphasis added herein by Applicants). It is respectfully submitted that this policy should apply in the present application, at least with respect to Groups I, II, and IV, in order to avoid unnecessary delay and expense to Applicants and duplicative examination by the Patent Office.

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Furthermore, claims of Groups II and IV are related to the claims of Group I as processes of making (Group II) and process of using (Group IV) a product of Group I. In the event that the Examiner does not agree with Applicants on the impropriety of the Restriction Requirement with regard to Groups I, II, and IV, Applicants respectfully submit that the non-elected method claims of Groups II and IV should be rejoined with the product claims of Group I once one or more product claims are found to be allowable. In response to *In re Ochiai* and *In re Brouwer,* the Commissioner set forth guidelines for treatment of non-elected process claims. *See* the Official Gazette, 1184 OG 88 (March 26, 1996). These guidelines have been incorporated into MPEP § 821.04. Under these PTO guidelines, "rejoinder practice" applies to Applicants who have elected claims to a product over claims to a process in compliance with a Restriction Requirement. When it is established that a product claim is allowable, withdrawn process claims that depend from, or otherwise include all the limitations of, the allowable product claim must be rejoined. Applicants respectfully submit that this procedure applies to the present claims.

In the Restriction Requirement dated May 23, 2003, the Examiner additionally required restriction under 35 U.S.C. § 121 to one single nucleic acid sequence recited in the claims of Group I. In response, Applicants elect to prosecute nucleic acids comprising SEQ ID NO:1, with traverse. The Examiner asserts that the nucleic acids of SEQ ID NO:1 through SEQ ID NO:30 are distinct and independent inventions because they have no common structural or functional properties. Applicants respectfully submit that the basis for the Additional Restriction Requirement is erroneous, and thus the Additional Restriction Requirement is improper. More specifically, the sequences of SEQ ID NO:1 through SEQ ID NO:30 have a common functional property - they are all

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exons of the same gene, which encodes the ABCC11 protein. Indeed, the Office recognizes that such sequences are not independent and distinct inventions (see MPEP § 803.04, which states "nucleotide sequences encoding the same protein are not considered to be independent and distinct inventions and will continue to be examined together"). In accordance with this section of the MPEP, Applicants submit that the sequences of SEQ ID NO:1 through SEQ ID NO:30 are not independent and distinct inventions. For at least this reason, Applicants request reconsideration and withdrawal of the Additional Restriction Requirement, and examination of all of the sequences recited in claim 1.

Furthermore, if the Office does not find the above argument convincing, Applicants request that the Office examine at least 10 of the sequences recited in claim 1, as is the policy of the PTO when multiple sequences are recited in claims of an application. MPEP § 803.04.

Please grant any extension of time required to enter this response and charge any required fee to our Deposit Account No. 06-0916.

Respectfully submitted,

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Date: June 20, 2003

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